

BUILDING CODE APPEALS



**Fairfax County
VIRGINIA**

Land Development Services

Department of Public Works and Environmental Services

Hours of Operation: Monday - Thursday: 8 a.m. to 4 p.m.
Friday: 9:15 to 4 p.m.

Location: **Herrity Building**
12055 Government Center Parkway
Fairfax, VA 22035-5504
Telephone: 703-222-0801
TTY: 703-324-1877



Visit us on the web at: www.fairfaxcounty.gov/dpwes

This publication provides guidelines for where and how to appeal a decision made by the Building Official, Fire Official, Building Maintenance Official (Code Officials) or their representatives to the Fairfax County Board of Building Code Appeals (BBCA).

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GENERAL INFORMATION

When reviewing a code modification request or conducting an inspection, the Code Officials and their representatives ensure the spirit and intent of the applicable codes and laws are observed and that the public health, safety and welfare are assured.

When a code modification request is denied, a notice of violation has been issued, or the Code Official has applied a particular code section in a manner with which you do not agree, you can appeal to the BBCA.

COMPOSITION OF THE BBCA

The BBCA consists of six members and two alternates appointed by the Fairfax County Board of Supervisors. Each member, with varying areas of expertise, must have at least 10 years of experience as an architect, engineer, builder, property manager or construction superintendent. No Fairfax County employee can serve as a member of the BBCA. No member of the BBCA can hear an appeal in which that member has any personal, professional or financial interest.

HOW TO FILE AN APPEAL

- The appeal can be filed by a building owner, the owner's agent, or any person involved in the design, construction, maintenance of the building.
- Submit a written request for appeal that includes all of the information on the [attached form](#) to the following address.

Chairman, Fairfax County Board of Building Code Appeals
12055 Government Center Parkway, Suite 447
Fairfax, Virginia 22035-5504
Attention: Secretary to the Board

- Requests must be submitted within the following time frames.
 - 90 calendar days for new construction issues.
 - 21 calendar days for property maintenance issues.
 - 14 calendar days for issues related to the fire code and amusement device regulations.

Failure to submit a request for an appeal within the time limit above will constitute acceptance of the Code Official's decision.

- BBCA hearings take place the second Wednesday of each month at 10 a.m. in the Government Center, 12000 Government Center Parkway in Fairfax. Check the announcement board in the lobby for the location of the hearing.
- If the request is submitted within the minimum timeframes, your hearing will usually take place on the next scheduled hearing date.
- The secretary to the BBCA will contact you as to the status of your appeal prior to the hearing date. To contact the secretary, call **703-324-1980, TTY 711**.

HEARING PROCESS

- Hearings of the BBCA are open to the public.
- The BBCA will hear testimony from the appellant, the Code Official, their representatives, or any person whose interests may be affected by the matter on appeal.

NOTE: You, or your representative, should attend the meeting. Failure to show up at the hearing does not postpone or cancel the appeal.

- After testimony, the BBCA will deliberate and vote. A concurring vote of the majority of the BBCA members present is required to uphold, reverse or modify the decision of the Code Official.
- A certified copy of the resolution of the BBCA will be furnished to you and the Code Official.
- Once a decision has been made, you and the Code Official must take immediate action to comply with the decision.

APPEALING THE DECISION OF THE BBCA

You may appeal the decision of the BBCA to the State Building Code Technical Review Board (TRB). Appeal requests must be filed within 21 calendar days of the receipt of the resolution of the BBCA. Hearings are held monthly in Richmond. Application forms are available at the following address or call **804-371-7150, TTY 711**.

State Building Code Technical Review Board
501 North Second Street
Richmond, Virginia 23219

Please note: the Code Official also has the ability to appeal the BBCA decision to the TRB. If this is the case, you are expected to appear before the TRB to defend your original appeal.

Fairfax County is committed to a policy of nondiscrimination in all county programs, services and activities and will provide this document in alternative formats and in different languages upon request. Please call 703-324-5033, TTY 711 or write Department of Public Works and Environmental Services, Suite 659, 12055 Government Center Parkway, Fairfax, VA 22035-5506. Please allow at least seven working days for preparation of material.

